

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

V.

(1) STRYKER BIOTECH, LLC,

(2) MARK PHILIP,

(3) WILLIAM HEPPNER,

(4) DAVID ARD and

(5) JEFFREY WHITAKER,

Defendants

Criminal No.: 09-CR-10330-GAO

STIPULATION

The parties hereby agree to the following:

1. The parties stipulate that the handwritten notes on the following exhibits are those of defendant Mark Philip: 109, 112-114, 118, 125, 129, 131, 154, 214, 225, 253, 264, 267-271, 293, 296, 302-303, 313, 374, 376, and 387. The parties further stipulate that the “OK to pay” language with the initials “MAP” and the date “6/6/06” on Exhibit 149, and the “OK to pay” language with Mark Philip’s signature and the date “9/20/06” on Exhibit 165 are also in defendant Mark Philip’s handwriting. Mark Philip’s trial on these charges will be conducted in a separate proceeding for reasons that are not relevant to the jury’s consideration of this case.

CARMEN M. ORTIZ
United States Attorney

By: /s/ Gregory F. Noonan
Jeremy M. Sternberg
Susan G. Winkler
Gregory F. Noonan
Assistant United States Attorneys
One Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

STRYKER BIOTECH, LLC

By: /s/ Joshua S. Levy (by permission GFN)
Brien T. O'Connor (BBO #546767)
Joshua S. Levy (BBO #563017)
Ropes & Gray, LLP
Prudential Tower
800 Boylston Street
Boston, MA 021199
(617) 951-7000

WILLIAM HEPPNER

By: /s/ Robert L. Ullmann (by permission GFN)
Robert L. Ullmann (BBO#551044)
Nutter McClennen & Fish, LLP
155 Seaport Blvd.
Boston, MA 02210
(617) 439-2262

DAVID ARD

By: /s/ Brent Gurney (by permission GFN)
Brent Gurney (*pro hac vice* admission)
Wilmer Hale, LLP
1875 Pennsylvania Avenue
Washington, D.C. 20006
(202) 663-6000

JEFFREY WHITAKER

By: /s/ Frank A. Libby, Jr. (by perm. GFN)
Frank A Libby, Jr. (BBO #299100)
Libby Hoopes
175 Federal Street
Boston, MA 02110
(617) 338-9300

Dated: January 12, 2012

Certificate of Service

I hereby certify that the foregoing documents filed through the ECF system will be sent electronically to counsel for each defendant who is a registered participant as identified on the Notice of Electronic Filing (NEF).

Gregory F. Noonan
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